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## ORDER

## 1. WASTE WATER TREATMENT PLANT:

pay for all parts to insure timely delivery. Delay resulting from the Government's failure to pay suppliers on time will not be grounds for an extension of time.

- (3) DPW shall continue to remove sand and grit manually until repairs are completed per Court's February 12, 2000 Order.

d. Generator:

- (1) Order parts necessary for repair by June 2, 2000.
- (2) Generator shall be repaired and in full operation one week after receipt of parts. The Government shall set aside sufficient funds to pay for all parts to insure timely delivery. Delay resulting from the Government's failure to pay suppliers on time will not be grounds for an extension of time.

e. Sludge drying beds

- (1) Reconditioning of sludge drying beds shall be completed per Court's February 12, 2000 Order. The Government shall have a sludge management program in place and in operation no later than June 23, 2000.

## 2. FIGTREE PUMP STATION

- a. Pump Number 1 shall be in full operation by June 30, 2000.
- b. Pump Number 2 shall be in full operation by June 30, 2000.
- c. Two additional isolation valves shall be ordered by June 30, 2000, and installed in the intake manifold by August 30, 2000.<sup>1</sup>

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<sup>1</sup> The Court accepts the Government's position that the installation of these valves will not delay the schedule for getting either the Figtree or the LBJ station up and running and that the Figtree station can be kept in operation while the additional valves are being installed. The Court rejects the assertion of the United States that these additional valves are not needed and accepts the Government's position that adding the isolation valves to the intake manifolds at both stations is necessary and will facilitate the

- d. The sump pump shall be installed and operational by June 30, 2000.
- e. The generator shall be in full operation by June 30, 2000, i.e., generator will auto-start per factory design.
- f. Pumps Nos. 2 & 3 shall be fully refurbished and in operation by June 30, 2000.
- g. Pump No. 1 shall be fully refurbished and in operation by July 31, 2000.

**3. LBJ PUMP STATION:**

- a. Two additional isolation valves shall be ordered by June 30, 2000, and installed in the intake manifold three weeks after receipt. The Government shall set aside sufficient funds to pay for all parts to insure timely delivery. Delay resulting from the Government's failure to pay suppliers on time will not be grounds for an extension of time.
- b. The nine new valves already ordered and delivered shall be installed by June 30, 2000.
- c. The rehabilitation of the wet well shall be completed by July 31, 2000. This will include the installation and repairs to the wet well ventilation system, walkways, handrails, lighting system, and other appropriate safety measures. Additional delay due to Government utilizing contracting and bidding procedures that are not required because of the declared state of emergency will not be grounds for an extension of time.
- d. The rehabilitation of the dry well shall be completed by June 30, 2000. This will include the installation and repairs to the dry well ventilation and lighting

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maintenance and proper operation of the pump stations. The Government will be able to use the 4" temporary diversionary pump from LBJ, or the new 6" pump, to prevent any sewage bypass at Figtree while these two valves are being installed, since LBJ will be fully operational at the time the additional valves will be installed under the schedule established by this Order.

systems. Additional delay due to Government utilizing contracting and bidding procedures that are not required because of the declared state of emergency will not be grounds for an extension of time.

- e. The three pumps shall be fully operational by June 30, 2000.
- f. The discharge line pipe shall be repaired on the discharge side from the riser pipe to the wall by June 30, 2000.
- g. The generator shall be operational by July 30, 2000.
- h. The Government shall advise the Court by June 9, 2000, when it expects to receive and put into operation the six-inch diversionary pump identified in Commissioner Thompson's May 8<sup>th</sup> letter. That date will then be incorporated into this Order.

**4. ADDITIONAL ISSUES:**

- a. The Court finds that continuous, twenty-four hour monitoring of the pump stations and other waste water facilities on St. Croix via the telemetry system already in place is essential to the Government's ability to maintain and keep those facilities functioning and help prevent any more catastrophic failures. Therefore, the Government shall bring all of the telemetry systems into full operation by June 30, 2000.
- b. As directed in this Court's Order of February 12, 2000, the Government is required to notify Court of any additional bypasses anywhere in the Territory, not just for the St. Croix District. To the extent this has not been done since February 12<sup>th</sup>, the Government shall bring its bypass notices current for St. Thomas, St. John, and Water Island with its June 8<sup>th</sup> weekly report, and keep these notices current thereafter.

The Court appreciates the efforts the Government of the Virgin Islands has made to date to facilitate this process including amending the Corrective Action Trust Fund and streamlining the contracting process in accordance with the declared state of emergency. The Court, however, reminds the Government that a delay in securing funding shall not be a valid basis for an extension of time absent *extraordinary* circumstances. Failure by the Government to comply with these deadlines, which the Government has agreed to through its response, will result in contempt hearings before the Court, with the possible penalty ranging from fines to incarceration for the appropriate officials, including members of the Public Finance Authority and the Department of Finance, whose actions or lack of action are found to have impeded the progress of these crucial repairs.

**ENTERED this 30<sup>th</sup> day of May, 2000.**

**FOR THE COURT:**

\_\_\_\_\_/s/\_\_\_\_\_  
**Thomas K. Moore**  
**District Judge**

**ATTEST:**  
**ORINN ARNOLD**  
**Clerk of the Court**

By: \_\_\_\_\_/s/\_\_\_\_\_  
**Deputy Clerk**

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